

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte HONG-DA LIU and YONG-NIEN RAO

Application No. 10/032,523

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on February 25, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter(s) requiring attention prior to docketing are identified below:

One of the references relied upon by the Examiner in the September 2, 2004 Examiner's Answer under the *Prior Art of Record* is Japanese patent JP361215522 [sic., JP61215522].¹ The only copy of the reference found in the electronic file

¹ It is noted that the Examiner has erroneously listed this patent as JP361215522 (the 3 in number is incorrect) since his initial recitation of it in the application. Although both appellants and the examiner have essentially ignored and/or been unaware of the error, it is essential that the the examiner (and appellants) be mindful of the error in any future correspondence during the prosecution and disposition of this application.

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consists of the Japanese patent (in Japanese) with an English abstract. However, the BPAI requires that all foreign references (if not in English) have a **complete** English translation attached thereto. The BPAI has been unable to locate a **complete** English translation of this reference in the record.

Accordingly, it is

ORDERED that this application be returned to the examiner to have a **complete** English language translation of **JP61215522** scanned into the electronic file; to provide written notification to the appellants of the action taken in this matter; and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



KIMBERLY JORDAN
Program and Resource Administrator
(571) 272-9797

cc: TUNG AND ASSOCIATES
838 W. LONG LAKE ROAD
SUITE 120
BLOOMFIELD HILLS, MI 48302

KJ/vsh